

**REMARKS****Summary of the Office Action**

Claim 1 is objected to because of informalities. Correction is required.

Claims 6-14 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 4, 5, 9, 10, 11 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito (Japanese Pat. No. 11-320587, of record, with English machine translation) (hereinafter "Masahito") in view of Seary (U.S. Pat. No. 3,887,312) (hereinafter "Seary") and Fujita et al. (U.S. Pat. No. 5,352,394) (hereinafter "Fujita").

Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito, Seary, and Fujita as applied to claim 5 and 8 above, and further in view of Shinji (Japanese Pat. No. 2004-034300, machine translation) (hereinafter "Shinji").

Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito, Seary, and Fujita as applied to claim 5 and 11 above or Masahito, Seary, Fujita and Shinji as applied to claim 8, and further in view of Ishikawa et al. (U.S. Pat. No. 5,540,577) (hereinafter "Ishikawa").

Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito, Seary and Fujita as applied to claim 5 and 11 above or Masahito, Seary, Fujita and Shinji as applied to claim 8, and further in view of Brunnschweller et al. (U.S. Pat. No. 4,743,190) (hereinafter "Brunnschweller").

Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito, Seary and Fujita as applied to claim 5 and 11 above or Masahito, Seary, Fujita and

Shinji as applied to claim 8, and further in view of Bailey et al. (U.S. Pat. No. 6,696,220) (hereinafter "Bailey").

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Summary of the Response to the Office Action**

Applicant has amended independent claim 1 and dependent claims 6, 7 and 12-14 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Applicant has canceled claims 8-11, 15 and 16 without prejudice or disclaimer. Accordingly, claims 1, 4-7, 12-14 and 17-22 are currently pending with claims 1, 4-7 and 12-14 currently under consideration.

#### **Claim Objection**

Claim 1 is objected to because of informalities. Correction is required. Applicant has amended claim 1 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claim in response to the Examiner's comments at page 2, section 4 of the Office Action. Accordingly, withdrawal of the objection to claim 1 is respectfully requested.

**Rejection under 35 U.S.C. § 112, First Paragraph**

Claims 6-14 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant has canceled claims 8-11 without prejudice or disclaimer, rendering the rejections of these claims moot. Applicant has amended dependent claims 6, 7 and 12-14 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims in response to the Examiner's comments at pages 2-3 of the Office Action. Accordingly, Applicant respectfully submits that the remaining claims, as newly-amended, fully comply with the requirements of 35 U.S.C. § 112, first paragraph. As a result, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

**Rejections under 35 U.S.C. 103(a)**

Claims 1, 4, 5, 9, 10, 11 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito in view of Seary and Fujita. Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito, Seary, and Fujita as applied to claim 5 and 8 above, and further in view of Shinji. Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito, Seary, and Fujita as applied to claim 5 and 11 above or Masahito, Seary, Fujita and Shinji as applied to claim 8, and further in view of Ishikawa. Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito, Seary and Fujita as applied to claim 5 and 11 above or Masahito, Seary, Fujita and Shinji as applied to claim 8, and further in view of Brunnschweller. Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masahito, Seary and Fujita as applied to claim 5 and 11 above or Masahito, Seary, Fujita and Shinji as applied to

claim 8, and further in view of Bailey. Applicant has amended independent claim 1, and dependent claims 6, 7 and 12-14, to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Applicant has canceled claims 8-11 and 15 without prejudice or disclaimer, rendering the rejections of these claims moot.

The Examiner is thanked for the indication that claim 16, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, the features of dependent claim 16 and dependent claim 15 have been added to newly-amended independent claim 1 of the instant application. Accordingly, newly-amended independent claim 1 of the instant application is thus now in prima-facie condition for allowance in light of the Office Action's indication of allowable subject matter in dependent claim 16. Accordingly, claims 15 and 16 have been canceled without prejudice or disclaimer. As a result, withdrawal of the objections to claims 15 and 16 are respectfully requested for at least these reasons.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. § 103(a) should be withdrawn because the applied art of record, whether taken separately or combined together, do not teach or suggest each feature of newly-amended independent claim 1 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Since the prior art does not disclose or suggest any of the combinations recited in Applicants’ claims, and if anything appears to teach away from the current claim recitations, KSR Int’l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicant submits that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the

Examiner in the Office Action. Furthermore, Applicant respectfully asserts that the dependent claims 4-7 and 12-14 are allowable at least because of their dependence from newly-amended independent claim 1, and the reasons discussed previously.

### **CONCLUSION**

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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